IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4337 OF 2006

Ismail Niyaz Ahmed Qureshi .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.V.C.Desai for the applicant.

Shri.Rajesh More, A.P.P. for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12TH DECEMBER, 2006

P.C.:

1. The applicant has been arrested in connection with C.R.No.585 of 2005 registered with Oshiwara Police Station, Mumbai. The offences alleged are punishable u/s.302 and 34 of I.P.C. r/w. Sec.3, 25 & 27 of the Arms Act.

2. The applicant has been arrested on 16th September, 2005. Total five accused have been arrested in the crime.

The applicant is the original accused No.4. The original accused No.5 & 3 have been enlarged on bail by this Court and the Additional Sessions Judge respectively. Accused No.1 & 2 are also enlarged on bail.

. Copies of the orders passed by this Court and the Additional Sessions Judge enlarging the other accused on bail are also annexed to this application.

. On the ground of parity, the applicant prays for bail. The learned A.P.P. could not point out as to how the case of the applicant can be distinguished and viewed differently from that of the co-accused.

. Hence, the following order : -

ORDER :

(i) The applicant shall be enlarged on bail in connection with C.R.No.585 of 2005, registered with Oshiwara Police Station, Mumbai in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one or two sureties in the like amount. He shall report at Oshiwara Police Station once in a month

till conclusion of trial.

(ii) Bail is granted subject to the condition that the applicant shall not directly or indirectly, made any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iii) The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) Application is disposed of in above terms.

vi) Parties to act upon an authenticated copy of this order.

(S.C.Dharmadhikari, J.)